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# The Sun.

FRIDAY, JULY 21, 1905.  
Fair to-day and to-morrow; light west winds

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PRICE TWO CENTS.

## HOOKER ESCAPES REMOVAL.

### ONLY 76 VOTES AGAINST HIM IN THE ASSEMBLY.

One Hundred Votes Necessary to Pass a Removal Resolution—The "Tape Worm Club" and the House of Commons Save Him—Democratic Votes.

ALBANY, July 20.—Warren B. Hooker of Fredonia, Chautauque county, can, if he chooses, sit as a member of the Supreme Court of the State of New York for nine years more. Justice Hooker's champions in the Assembly say that he will not resign.

"They didn't get 100 votes to remove him," they say, "so he is vindicated. The fact that a majority of the members of the Assembly voted for removal does not count. We worked to save him, and we did it."

But there were seventy-six members of the Assembly who believed that a Judge should not mix up in party graft and who openly expressed themselves as believing that Justice Hooker is morally unfit to serve as a Justice of the Supreme Court.

The "Tape Worm" Club and the House of Commons, dominated and controlled by Speaker Nixon, saved him. They secured fifty-eight Republicans to vote against removal, and Senator Patrick Henry McCarren delivered six Democratic votes from Kings county and three other Democrats voted to retain Justice Hooker on the bench.

The result of it all is that not one man who voted against Justice Hooker's removal said that the charges were untrue. They admitted that they were true, but hadn't been proved, and that he was no worse than many others and shouldn't be singled out for punishment.

But the sensational part of the Hooker trial came when the Assembly took up the question of passing the bill appropriating \$20,000 for the expenses of the extra session.

Assemblyman Tompkins (Tam.) had endeavored to have a resolution read, but it was ruled out of order. That resolution provided that the Governor should be called to the testimony of State Tax Commissioner Lester F. Stearns on the witness stand in behalf of Justice Hooker and that the Governor be asked to remove him from his office for committing perjury.

Mr. Stearns was accused of falsifying in the sworn testimony of Attorney Farnham of Dunkirk. Assemblyman Fuller (Dem., Kings) offered an amendment to the appropriation bill, which provided that Mr. Stearns should not receive witness fees. On this question the Republicans lined up solidly against Mr. Fuller.

Majority Leader Rogers excused Mr. Stearns' perjured testimony by saying that other men had been contradicted on the witness stand. The amendment was defeated by an overwhelming vote, and then the bill passed the Assembly and was sent to the Senate, where it was also passed.

There are some members who know that they cannot come back for their stand in this matter, but such pressure was brought to bear upon them that they did not vote for removal. Assemblyman Mead of Albany, a Wemple of Schoenady, are despised by the very people they stood with. They are members of the Assembly Judiciary Committee and had voted to report a resolution for removal, yet they voted against removal to-day. It was known last winter that they wanted to vote against reporting the resolution, but did not have the courage to do so.

Benjamin B. Odell, Jr., William Barnes, Jr., Frank S. Black, William L. Ward and William C. Warren of Buffalo all rendered yeoman service for their friend Hooker.

This morning before the Assembly met there was an air of uncertainty about the matter. The legislative leaders did not want to thrust upon the Republican party the responsibility of defeating the removal resolution. They had counted on getting at least 30 Democratic votes to help them out of their dilemma. When they started to count noses they found that the Democrats were almost solidly in favor of removal, and this gave them considerable uneasiness. But the House of Commons got in its work quickly.

The session was to have started at 9:30 o'clock, but it was twenty minutes later when Speaker Nixon rapped for order. Then on the roll call it was found that there were quite a number of absent members, and this necessitated a call of the House, and gave the House of Commons all the more time to get among the weak members who were undecided just what they should do.

There was no debate on the resolution providing for removal, which was offered by Assemblyman Fish, the chairman of the Assembly Judiciary Committee, and who has made a gallant fight in the interest of the purification of the bench and to remove the stain from the judiciary of this State.

That said Warren B. Hooker, while a Representative in Congress, prior to the 10th day of November, 1893, and while a Justice of the Supreme Court of the State of New York since that date, he has been guilty of a personal, wilful and intentional act of fraud and embezzlement, which have tended to bring and have brought the said Justice of the Supreme Court and the administration of justice into contempt, and which show a personal unworthiness on the part of said Warren B. Hooker to hold and occupy the office of Justice of the Supreme Court.

Assemblyman Wood made an eloquent speech before the vote was taken. He was not quite sure of the jurisdiction of the Legislature in the matter, but so long as Senator Brackett had written an opinion that it had the jurisdiction he was going to vote to compel the Senate to take its responsibility. He said Justice Hooker was a creature not only of a practice but of a system that had grown up in dealing with Federal patronage, and he was guilty of gross irregularities, and he believed that he should be grossly censured for his irregularities.

Others contented themselves with explaining their vote on the question. Two minutes were allotted to each man to explain his position. Majority Leader Rogers took ten and made what was considered to be the most peculiar argument ever listened to. Mr. Rogers admitted that Justice Hooker was guilty, and had done wrong, but he said he wouldn't do it again, and would make a good Judge. What he wanted was to punish the people who made it possible for Hooker to be carried away by the temptations to secure graft.

Assemblyman Wainwright of Westchester made one of the ablest arguments of the day for the purification of the bench. He characterized Justice Hooker's acts as beneath a man of dignity and honor, and he scathingly rebuked any man who would stoop to the practices that he had been found guilty of.

Assemblyman Prentice and Stanley of New York also argued that there was no doubt of the guilt of Justice Hooker and that it was a disgrace to the bench to keep such a man as he on it. They asserted that the bench could never command the respect or confidence of the people with men like Justice Hooker on it.

Assemblyman Bass of Otsego said: "Justice Hooker is lacking in that element of moral greatness fitting to a man who is to act as an umpire of the destinies of his fellow men."

Assemblyman Sheldon flatly refused to obey the commands of his constituents. They had met some weeks ago and passed resolutions demanding that he vote to remove Justice Hooker from the bench. Assemblyman Sheldon will probably be an ex-member next year. He comes from Gov. Higgins's county (Cattaraugus) and is a chum of Arthur C. Wade, Judge Hooker's close friend.

Assemblymen Hartman, Dale, Apgar, Merritt, Foster, Gates, Foelker and West also spoke against removal, and it was a singular coincidence that every one of them had something to say against the press having dared to take this matter up. Gates and Foelker said they didn't care what their constituents thought about it. Mr. Gates is Congressman Sherman's right hand man from Oneida County.

In order to adopt the removal resolution it was necessary to have the votes of two-thirds of all the members elected. This meant 100 votes. Assemblymen Hooper and Wade, Republicans, and Grady (Dem., Kings) were excused from the session. As there were two members dead, this made only forty-six votes that the friends of Justice Hooker had to secure to prevent removal. And when they were secured there was great rejoicing on the part of the champions of the Judge. The roll call was finally completed at 12:30 o'clock and resulted in 76 votes being cast for removal to 67 in opposition. Assemblyman J. A. Thompson (Dem., Kings) was present, but did not vote. Speaker Nixon also failed to have himself recorded. Those who voted against removal were:

Republicans—Apgar and Rieby of Westchester; Odell and Hastings of Orange; Benjamin B. Odell, Jr. of Albany; Odell of Sullivan (also from Odell's Senate district); Beebe and Callahan of Monroe; Brady of Greene; Brooks, Shuttlesworth, Patton and Tenison of Erie; Carrier of Chenango; E. E. Charles of Wyoming; W. J. Charles of Montgomery; Coon, Gratton and Mead of Albany; Dowling, Foelker, Francisco, Pendry, Perry, Friedel, Hartman and Young of New York; Thonet of Kings; Foster of Jefferson; Gardner and Stevens of Lewis; Gates of Otsego; Gray and J. F. Smith of Dutchess; Hanford of Tioga; Seneca; Hurd of Rockland (also from Odell's Senate district); Knapp of Clinton; Leggett of Niagara; C. R. Matthews of Franklin; J. B. Mayne of Warren; West of Yates; Wemple of Schoenady; Main of Seneca; G. H. Whitney of Saratoga; Willsenack and Miller of Queens and Yale of Putnam.

Democrats—Byrne, Dale, Kavanagh, Reilly, T. F. Matthews and Wolf of Kings; Gunn of Sullivan; Sullivan of Queens and Quinn of Erie.

**VALUABLE DIAMOND MISSING.**  
It Was Removed From a Brooch Belonging to Mrs. Douglas W. Burnham.

NEWBURGH, July 20.—The mysterious disappearance of a large and valuable diamond belonging to Mrs. Douglas W. Burnham, mother of Mrs. Le Roy Dresser, who is spending the summer at her country home, Beaconside, Matteawan, is puzzling the police and Mrs. Burnham's friends. The diamond was a very large one, pure white and of exceptional brilliancy. It was one of the large stones of a brooch which contained fifteen diamonds. The missing stone was at one time an earring and is described as being nearly as large as a dime. Recently Mrs. Burnham had the two stones removed from the earrings, and they comprised the two main stones in a brooch of fifteen worn by Mrs. Burnham at social functions. The brooch was reset by Tiffany.

Two weeks ago this evening Mrs. Burnham attended a reception at the Teller home, given by the headquarters of George Washington, given in honor of Mrs. De Lancey Newlin of Flushing. She returned to her home after the reception, accompanied by the headquarters of George Washington, who she had the brooch intact when she left the Teller home. She removed it, not noticing that any stone was missing, and placed it in the chest. Mrs. Burnham has keys to this chest she invariably keeps on her person.

A few days ago upon opening the chest she found that a stone was missing. A thorough search was ordered and still no clue. Mrs. Burnham intends to send the brooch to Tiffany to ascertain whether the stone was forced from the brooch. She has implied faith in all her employees, who have been with her a long time. Besides the brooch, there was a large quantity of other valuable jewelry in the chest, which is unaccounted for. Mrs. Burnham offered a large reward for the return of the stone and no questions asked.

**TUTOR WRONGLY ARRESTED.**  
Police Fooled Us, Says Acting District Attorney—No Extradition for Park.

Acting District Attorney Gans has asked the State Department at Washington to withdraw the extradition papers for Edward Park, the tutor in the Higginson family who was arrested at Christiansand, Norway, on the charge brought by the police here of stealing the Higginson jewels. There is not sufficient evidence to extradite Park, Mr. Gans says.

It was represented to the District Attorney that a pawnbroker had identified Park from a photograph as the man who had pawned some of the jewels. When the pawnbroker was summoned to the District Attorney's office he described a man under six feet, while Park is 6 feet 3.

"We were woefully fooled by the police," said Mr. Gans, "and I regret that a man against whom there is no evidence should be charged with a crime. It was on the positive statement of Detective McCarney that several pawnbrokers had identified Park from photographs that we advised the police to hold and occupy the office of Justice of the Supreme Court."

Park is to return to this country in the fall.

**Latest Marine Intelligence.**  
Arrived: St. Lucie, Manchester, July 2.

**THE NEW STRAIGHTAWAY AUTOMOBILE COURSE ON CAPE MAY BEACH**  
will be opened Saturday, July 22, at 1:00 P. M. Full list of entries, including the "Motor Cycle" and "Auto" races, will be published in the "Sun" on Friday, July 21, at 10:00 A. M. Tickets for the races will be on sale at 10:00 A. M. on Friday, July 21, at 10:00 A. M. Tickets for the races will be on sale at 10:00 A. M. on Friday, July 21, at 10:00 A. M.

## ALARMED BY CHINA'S BOYCOTT

### U. S. CONSUL REPORTS THE SITUATION AS DANGEROUS.

Document That Is Stirring the Kingdom Reaches Washington—Every Weapon Turned Against American Trade—Penalties for All Who Deal in U. S. Products.

WASHINGTON, July 20.—A copy of the circular sent broadcast through the Chinese empire asking the natives to boycott American products has been received at the State Department from United States Consul Gracie at Fuchow. The circular was issued by the "Jung Ching," or "Man Mirror," a literary society of Shanghai. The bit of paper covered with complicated Chinese characters only six inches square, while the translation of the document which has caused such great troubles covers five typesetting pages.

The circular is really a report of the meeting of the Fukien and Kuang Tung Merchant Guilds of Shanghai on May 16, when the boycott movement was instituted. The resolutions adopted at the meeting and the steps which were proposed are introduced in full, as well as a synopsis of the speeches of a number of those present.

In an accompanying note Mr. Gracie indicates that the Chinese mind is greatly excited by the movement, and the stories which are being spread among the uneducated masses behind the movement are creating a dangerous situation. He says that all sorts of rumors are in circulation and are credited by the ignorant Chinese. One of the most recent was that 200 Chinese colonies in America had been beheaded. Mr. Gracie says that this rumor gained wide circulation and credence. He adds that the Consul is doing all that it can to dispel the erroneous ideas which are rapidly gaining ground.

The circular which was sent out shows that the Chinese are greatly in earnest in furthering the movement, and elaborate plans have been made to force the merchants to help on the boycott. Those who may secretly continue to deal in American products will be practically ostracized. In the circular such merchants are characterized as the "wicked." Plans are made for the friends of the movement to renounce such tradesmen and to refuse to allow their children to marry those of the "wicked."

At the conclusion of the meeting nearly all of those present signed an agreement to carry out the following points:

"1. To investigate all about American goods in general imported into China.

"2. To investigate sales of American kerosene oil in China.

"3. To use efforts to secure support of impartial and reasonable editors in the United States.

"4. To establish a public room for exposition of American goods.

"5. To investigate American cloth sent to China.

"6. To use efforts with American missions which are in favor of justice.

"7. To use efforts with local government for cancellation of said treaty.

"8. To investigate American goods which are sent to China by the most powerful laboring party.

"9. To investigate what treaty ports of China at which American ships are usually anchored and through which American goods are landed.

"10. To advise laboring classes at wharves to demand more wages when they are hired to discharge American cargoes.

"11. To find out wicked native tradesmen who may in the future secretly deal in American goods.

"12. To investigate who have been dealing in American goods and also names of such 'hongs.'

"13. To persuade people not to make acquaintance with or to marry their children to those dealers in American goods. The proposer himself has decided to cease friendly relations with those who after his attention has been called to this resolution may again be dealing in American goods and the also promises not to marry his children to the 'wicked.'

"14. To carry out the above resolutions whenever he can seize an opportunity."

It was decided also to seek the aid of literary persons in China, who would be asked to write essays and articles for the papers on the subject "What steps should be taken against the extradition laws of the United States."

In the circular it is pointed out that there is no danger to the individual in entering into the boycott, the point being taken in the resolution that the matter is not an affair between two Governments. The resolutions passed are as follows:

"1. To stop consuming American goods.

"2. To stop ordering American goods or withdraw orders for same.

"3. If American goods are stopped, native products will have a considerably increased demand in the market.

"4. Merchants and common people have perfect rights to make above resolution. This is not a matter between two Governments.

"5. A resolution which forbids Chinese to employ Americans may be temporarily withdrawn lest it give rise to discussion between the two Governments.

"6. Native servants in employ of Americans in China shall demand more wages.

"7. After action being taken, we expect to withdraw the privilege that have been blindly given to He-Hsing Company for railway building.

"8. The action to be taken may be what the whole world is eagerly engaged in watching—a center at which all lines shall meet. This greatly concerns the power of our nation, and we must therefore engage ourselves faithfully from beginning to end."

**CZAR'S ARMY DEMORALIZED.**  
Liniévitch's Soldiers Ready to Run Since Peace Negotiations Began.

SPECIAL CABLE DISPATCH TO THE SUN.  
LONDON, July 20.—The St. Petersburg correspondent of the Standard records by Christ, that the headquarters of the "Army of the East" have been reinforced and his army is well provisioned and well clad the spirit of his troops has deteriorated.

They do not share the faith of their commanders in future victory, and since they became aware that peace is being discussed they are longing to return to their homes. Some observers believe they would enter another battle reluctantly. Many already utilize every occasion to run.

**AUTOMOBILE CONTESTS ON CAPE MAY BEACH**  
Saturday afternoon, July 22. General entries, 10:00 A. M. Full list of entries, including the "Motor Cycle" and "Auto" races, will be published in the "Sun" on Friday, July 21, at 10:00 A. M. Tickets for the races will be on sale at 10:00 A. M. on Friday, July 21, at 10:00 A. M.

**EIGHT HOURS TO CLAYTON**  
The "Second Empire" of the New York Central, leaving New York 1:00 P. M. Albany 4:00 P. M. West 2:00 P. M. Buffalo 3:00 P. M. Chicago 6:00 P. M. Tickets for the races will be on sale at 10:00 A. M. on Friday, July 21, at 10:00 A. M.

**THE FASTEST LONG DISTANCE TRAIN**  
In the world is the Twentieth Century Limited, leaving New York 1:00 P. M. Albany 4:00 P. M. West 2:00 P. M. Buffalo 3:00 P. M. Chicago 6:00 P. M. Tickets for the races will be on sale at 10:00 A. M. on Friday, July 21, at 10:00 A. M.

## KOMURA HERE; HOPES FOR PEACE

### Japanese Envoy Leaves Seattle for New York Ahead of Time.

SEATTLE, Wash., July 20.—Baron Jutaro Komura, Minister for Foreign Affairs and peace plenipotentiary of Japan arrived in Seattle at 11 o'clock this morning on the Great Northern steamer Minnesota and continued his journey over the Great Northern Railway this evening, occupying James J. Hill's private car.

Baron Komura declined all tenders of hospitality while here, pleading special instructions from the Mikado to make all possible speed to Washington. Baron Komura's declining to discuss his mission said he did not feel at liberty to speak except to say:

"The two belligerents in response to the suggestion of the President have appointed peace plenipotentiaries who are to meet in the United States, and it is to be hoped that the peaceful impulses of the two nations, thanks to the friendly initiative of Mr. Roosevelt, may be successful in bringing about a permanent cessation of hostilities."

The Minnesota passed in Puget Strait yesterday afternoon and arrived at Port Townsend about midnight (3 A. M. New York time). She was ahead of her schedule nearly a day and some plans for the reception of the party were disarranged.

Japanese Consul Hisamitsu, stationed in Seattle, with the Seattle reception committee and delivered a huge bundle of letters and cablegrams to Baron Komura. Almost the entire nineteen hours of the Baron's stay was consumed in deciphering and replying to the more urgent messages.

Among many presents given to officers of the steamer by Baron Komura were handsome velvet tapestry and valuable objects to the chief officer and ornamental trinkets to others. Liberal tips were given to servants aboard.

While secretive as to diplomatic matters Baron Komura was one of the most democratic of the Minnesota's passengers. At a gathering Tuesday night he proposed and led in singing "Swansea River," a memory of his Harvard days. The other members of the party also seemed to know the tune, if not the words.

Baron Komura goes to St. Paul by way of the Great Northern thence to Chicago by the Burlington, and to New York over the Pennsylvania lines.

**TOWN STOPS SIMMERING.**  
Two Cool Nights in Succession and Prospect of More.

The town ceased to simmer yesterday. It was not what might be called a cool day, but it was not hot. The humidity was a trifle below normal and the temperature did not get higher than 86 degrees. The maximum was recorded at 2 o'clock in the afternoon and did not last more than a few minutes. A northwesterly breeze that had swept over a region of thunderstorms sent the mercury down to 83 degrees at 2:30 P. M., and thereafter the fall was steady.

At 11 o'clock last night, when the overworked forecasters went home, the temperature was fit to sleep in, having dropped to 78 degrees. Washington said that this neighborhood would be fair to-day and to-morrow, with light westerly winds. No mention was made of a further drop in temperature, but Local Forecaster Emery ventured to surmise after looking over his night map that the mercury might get to 72 degrees this morning. The low pressure that was over the New England coast on Wednesday night moved gradually seaward yesterday, dragging down the breezy climate that made life worth living in the country.

Three deaths in this county and eight in Kings were reported by the police as due to the heat. There were 27 prostrations here and 10 in Brooklyn. Dr. Bell, house physician of St. Vincent's Hospital, collapsed from overwork and heat after he had been on duty uninterruptedly for forty hours. He is the third doctor of St. Vincent's to succumb.

**WILLIAMSON JURY HUNG.**  
Discharged After 46 Hours Deliberation—New Trial at Once.

PORTLAND, Ore., July 20.—The jury in the Williamson case, after being out forty-six hours, came in this afternoon and declared that they could not reach a verdict. They stood 10 to 2 for conviction. At noon the jury appeared and asked for further instructions, but after two hours more decided that no agreement could be reached.

Forty-two ballots were taken and the vote remained the same throughout, two men holding out for acquittal or compromise. Judge De Haven asked each juror if there was no hope of agreement and then ordered the dismissal of the jury. District Attorney Henry then declared that he would like to try the case again without delay, so the judge set the case for to-morrow.

Judge Bennett for the defense protested against a speedy second trial, but Judge De Haven overruled his objections.

Congressman J. H. Williamson, his partner in the sheep business, Dr. Van Gessner, and ex-United States Commissioner Marion R. Riggs were indicted on charges of subornation of perjury for inducing fraudulent land entries in order that additional sheep range might be secured by the defendant.

**DUNNITE THE REAL THING.**  
Its Inventor, Major Dunn, Watches Its Success at Fort Riley.

JUNCTION CITY, Kan., July 20.—Major Beverly W. Dunn of the Ordnance Department, U. S. A., stationed at the arsenal on Governors Island, New York, is at Fort Riley this week watching the experiments with the new explosive, dunnite, of which he is the inventor. The Seventh Battery, which is making the experiments, is using the new rapid fire guns.

Early in the week a large stone blockhouse was built on the reservation and this was used as a target by the battery. By the use of dunnite shells the battery, at a distance of nearly two miles, demolished the blockhouse and riddled the infantry silhouette that was in the center behind and at the sides of the fortification.

To-day three caissons that contained ammunition were placed in a ravine north of Fort Riley. One of the caissons contained dunnite shells and the other two contained the regulation field battery ammunition. At a distance of 2,000 yards the battery shot into these caissons. Each was struck by shells, but the one that contained dunnite was the only one that exploded.

The explosion was terrific and the caisson was blown to splinters. After the dunnite shells exploded very few fragments of the shells could be found.

**BURGLED AND SNEAK THIEVES**  
and dishonest servants can be insured against by a policy of THE AETNA INDEMNITY CO. (Incorporated in New York City). Tel. 600-1000.

**THE FASTEST LONG DISTANCE TRAIN**  
In the world is the Twentieth Century Limited, leaving New York 1:00 P. M. Albany 4:00 P. M. West 2:00 P. M. Buffalo 3:00 P. M. Chicago 6:00 P. M. Tickets for the races will be on sale at 10:00 A. M. on Friday, July 21, at 10:00 A. M.

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## IRISH VOTE DOWN BALFOUR.

### GOVERNMENT BEATEN ON LAND COMMISSION AMENDMENT.

Sir Henry Campbell-Bannerman Calls Upon Prime Minister to Resign—Mr. Balfour Refuses to Commit Himself and Promises a Statement for Monday.

SPECIAL CABLE DISPATCH TO THE SUN.  
LONDON, July 21.—The Government was defeated in the House of Commons at midnight on an amendment offered by John Redmond, leader of the Irish parliamentary party, to reduce the Irish Land Commission. The vote stood 196 in favor of the amendment to 195 against it.

Intense excitement followed the announcement of the vote. The Liberals and Irish members stood for some